

COVER SHEET		Case Number: 21-cv-00040-DH		Document #: 1		Filed: 04/22/2021		Page 1 of 1	
Civil Case Filing Form <i>(To be completed by Attorney/Party Prior to Filing of Pleading)</i>		<input type="text" value="30"/> County # <input type="text" value="CI"/> Court ID <input type="text" value="District"/> District <input type="text" value="CH, CI, CO"/>	<input type="text" value="031221"/> Month <input type="text" value="Date"/> Date <input type="text" value="Year"/> Year	<input type="text" value="2021"/> Case Year <input type="text" value="00040"/> Docket Number <input type="text" value="Local Docket ID"/>					
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2009)		This area to be completed by clerk		Case Number if filed prior to 1/1/94			
In the CIRCUIT		Court of <u>JACKSON</u>		County <input type="text"/> —		Judicial District			
Origin of Suit (Place an "X" in one box only)									
<input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstituted <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Appeal <input type="checkbox"/> Other									
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form									
Individual <u>Rush</u>		Last Name <u>Jeremy</u>		First Name <u></u>		Maiden Name, if applicable <u></u>		M.I. <u></u>	
_____ Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____									
_____ Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity D/B/A or Agency _____									
Business		Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated _____ Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: D/B/A _____							
Address of Plaintiff <u>64 Derrick Road, Wiggins, MS 39577</u>		Attorney (Name & Address) <u>Jim Davis, P. O. Box 1839, Gulfport, MS 39502</u> MS Bar No. <u>5830</u> _____ Check (x) if Individual Filing Initial Pleading is NOT an attorney							
Signature of Individual Filing: _____									
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form									
Individual		Last Name _____		First Name _____		Maiden Name, if applicable _____		M.I. <u></u>	
_____ Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____									
_____ Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity D/B/A or Agency _____									
Business <u>Wal-Mart Stores, Inc. c/o C.T. Corporation system, 6545 Lakewood East Drive, Flowood, MS 39232</u>		Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated _____ Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: D/B/A _____							
Attorney (Name & Address) - If Known		MS Bar No. _____							
Damages Sought:		Compensatory \$ _____		Punitive \$ _____		Check (x) if child support is contemplated as an issue in this suit.* *If checked, please submit completed Child Support Information Sheet with this Cover Sheet			
Nature of Suit (Place an "X" in one box only)									
Domestic Relations		Business/Commercial		Children/Minors - Non-Domestic		Real Property			
<input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce:Fault <input type="checkbox"/> Divorce:Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____		<input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____		<input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other _____		<input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____			
Appeals		Probate		Civil Rights		Torts			
<input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other _____		<input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muntiment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other _____		<input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other _____		<input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Other _____			
Statutes/Rules									
<input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input checked="" type="checkbox"/> Other _____									

Case: 30CI1:21-cv-00040-DH Document #: 1 Filed: 03/22/2021 Page 2 of 4
IN THE CIRCUIT **COURT OF JACKSON** **COUNTY, MISSISSIPPI**

JUDICIAL DISTRICT, CITY OF

Docket No. _____ File Yr _____ Chronological No. _____ Clerk's Local ID _____ Docket No. If Filed Prior to 1/1/94 _____

DEFENDANTS IN REFERENCED CAUSE - Page 1 of _____ Defendants Pages
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET

Defendant #2:

Individual: _____ Last Name _____ First Name _____ Maiden Name, if Applicable _____ Middle Init. _____ Jr/Sr/III/IV _____

Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business Wal-Mart Supercenter Store #1066, 4253 Denny Avenue, Pascagoula, MS 39581

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ *Pro Hac Vice (✓)* *Not an Attorney(✓)* _____

Defendant #3:

Individual: _____ Last Name _____ First Name _____ Maiden Name, if Applicable _____ Middle Init. _____ Jr/Sr/III/IV _____

Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ *Pro Hac Vice (✓)* *Not an Attorney(✓)* _____

Defendant #4:

Individual: _____ Last Name _____ First Name _____ Maiden Name, if Applicable _____ Middle Init. _____ Jr/Sr/III/IV _____

Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ *Pro Hac Vice (✓)* *Not an Attorney(✓)* _____

**LAW OFFICE OF
JIM DAVIS
1904 24th Avenue
Post Office Box 1839
Gulfport, Mississippi 39502**

James L. Davis, III
Email: jamesldavisiii@aol.com

Phone: 228-864-1588
FAX: 228-863-5008

March 17, 2021

Randy Carney
Jackson County Circuit Clerk
Post Office Box 998
Pascagoula, MS 39568

Re: Jeremy Rush v. Wal-Mart Stores, Inc.

Dear Randy:

With reference to the parties referenced above, enclosed please find the following:

1. Civil Cover Sheet;
2. Original and one copy of the Complaint;
3. Original and two copies of the Summons; and
4. My Check No. 13809 in the amount of \$161.00 for filing.

I respectfully request that you file same in your usual and customary manner. Please return a stamped "Filed" copy of the Complaint along with the issued Summons in the self-addressed, stamped envelope that is also included.

I thank you for your assistance in the above.

I thank you for your assistance in the above. I remain, as always,

Very truly yours,



JIM DAVIS

JD/ksk
Enclosure(s) –as stated

CIRCUIT - CIVIL		HANDED <input type="checkbox"/>	63 11
Case 30C11-21-cv-00040		MAILED <input checked="" type="checkbox"/>	Document # Date Filed: 04/22/2021 Page 4 of 4
41168		James L. Davis	
Received Of	James L. Davis		
Cause No.	21-40(3)		
For: Clerk's Fees		\$85.00	
JSO Fund		\$40.00	
Steno Tax		\$10.00	
Jury Tax		\$3.00	
Law Library		\$2.50	
SCEF		\$2.00	
Court Adm. Fund		\$2.00	
CECSF		\$10.00	
CLAF		\$5.00	
SCCF		\$0.50	
RM FEE		\$1.00	
Copy of Summons Return			
Other Advance Cost			
TOTAL		\$ 161.00	
Total		161.00	Check No. 13809
Amount Paid \$			
For		new complaint	
RANDY CARNEY CIRCUIT CLERK OF JACKSON COUNTY			
By <u>graham</u> DEPUTY CIRCUIT CLERK			

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

JEREMY RUSH

FILED

PLAINTIFF

VERSUS

MAR 22 2021

CAUSE NO.:

21-40 (3)

RANDY CARNEY, CLERK
WAL-MART STORES, INC., ~~JACKSON, MS.~~
C.C.

DEFENDANT

COMPLAINT

JURY TRIAL REQUESTED

COMES NOW Plaintiff, JEREMY RUSH, by and through his attorney, JIM DAVIS, and files this, his COMPLAINT against WAL-MART STORES, INC., and states his claim for relief as the follows, to-wit:

PARTIES

1. JEREMY RUSH is an adult resident citizen of Stone County, Mississippi, and names as his Defendant, WAL-MART STORES, INC., which can be served with process through its registered agent, C.T. Corporation System, 645 Lakewood East Drive, Flowood, Mississippi, 39232 and service on the Manager of Wal-Mart Supercenter Store #1066 located in Jackson County, Mississippi, at 4253 Denny Avenue, Pascagoula, Mississippi, 39581.

FACTS

2. On or about January 17, 2020, Plaintiff JEREMY RUSH, was an invitee of the Defendant WAL-MART to come onto its property at its express or implied invitation to do business with a mutual advantage to both parties. When Plaintiff states "WAL-MART," he means Defendant WAL-MART as it is described herein, as well as its agents, employees or servants, who make the Defendant WAL-MART liable through the doctrine of *respondeat superior*, and when the Plaintiff states "WAL-MART" herein, he means individually and collectively.

3. That on or about January 17, 2020, the Plaintiff, JEREMY RUSH, went to the WAL-MART SUPERCENTER STORE #1066 located at 4253 Denny Avenue, Pascagoula, Mississippi, 39581, for the purpose of choosing and purchasing merchandise.

4. On or about January 17, 2020, Plaintiff, JEREMY RUSH, was at the shopping cart corral in order to get a shopping cart when he was struck and injured by a cart pusher full of shopping carts causing injury to his back. As a result, Plaintiff suffers from headaches, chronic low back pain, lumbar strain and bi-lateral intermittent leg/arm numbness.

5. That said accident was due to the Defendant's negligence, more specifically described as follows, to-wit:

- a. Defendant and/or its employees were negligent by not keeping the proper look out for customers when using the cart pusher.
- b. Defendant and/or its employees failed to maintain a safe distance to its customers when using the cart pusher.
- c. Defendant's negligence constituted a dangerous condition on the Defendant's premises, and the Defendant and/or its employees knew, or by the exercise of reasonable care should have known, of the existence of the dangerous condition, and the Defendant and/or its employees failed to take reasonable measures to protect against said dangerous condition and the Defendant's failure to take such measures was a contributing cause of the Plaintiff's accident and injury(s).

DAMAGES

6. That as a direct and proximate result of the negligence of the Defendant and/or its employees, the Plaintiff suffered the following damages, to-wit:

- a) Medical bills in an amount to be determined; and
- b) Pain and suffering to be determined and within the jurisdiction of the Court.

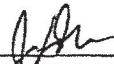
7. The Plaintiff requests a judgment of and from the Defendant in an amount to be determined and within the jurisdiction of the Court, for medical bills, pain and suffering, mental anguish, disability, and loss of the capacity for the enjoyment of life that he has been subject to as a result of the accident, and in the event there are complications and future medical bills, the Plaintiff requests a judgment for that amount as well.

WHEREFORE, your Plaintiff, JEREMY RUSH, requests this his COMPLAINT be filed and, upon hearing, he receive damages from the Defendant in an amount determined by the Court, including but not limited to, his past, present and future medical bills, pain and suffering, any permanent disability caused to his person, and all other relief necessary and proper in the premises. Your Plaintiff further requests that he be granted punitive damages for the gross negligence of the Defendant in not keeping the proper lookout for customers while using the cart pusher, and for all other relief necessary and proper in the premises.

RESPECTFULLY SUBMITTED, this the 18 day of March, 2021.

JEREMY RUSH, Plaintiff

By:


JIM DAVIS

Attorney for Plaintiff

JIM DAVIS
MSB# 5830
1904 24th Avenue
Post Office Box 1839
Gulfport, MS 39502
Phone: 228-864-1588
Fax: 228-863-5008

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

JEREMY RUSH

PLAINTIFF

VERSUS

CAUSE NO.:

21-40(3)

WAL-MART STORES, INC.

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: **WAL-MART STORES, INC.**
C/O C.T. CORPORATION SYSTEM
645 LAKEWOOD EAST DRIVE
FLOWOOD, MS 39232

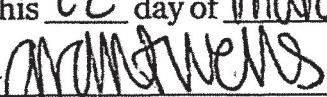
NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to JIM DAVIS, the attorney for the Plaintiff, whose post office address is POST OFFICE BOX 1839, GULFPORT, MS 39502, and whose street address is 1904 24th AVENUE, GULFPORT, MS 39501. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgement by default will be entered against you for the money or other things demanded in the complaint.

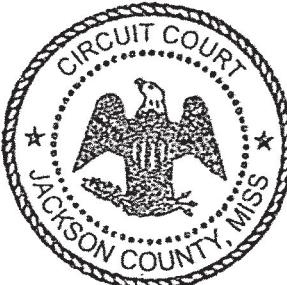
You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 22 day of MARCH, 2021.


Amy Barnes

Clerk of Jackson County, Mississippi

JIM DAVIS
1904 24TH AVENUE
POST OFFICE BOX 1839
GULFPORT, MS 39502
228-864-1588
MSB. NO. 5830



IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

JEREMY RUSH

PLAINTIFF

VERSUS

CAUSE NO.:

21-40(3)

WAL-MART STORES, INC.

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: **WAL-MART SUPERCENTER STORE #1006**
ATTN: MANAGER
4253 DENNY AVENUE
PASCAGOULA, MS 39581

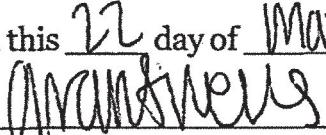
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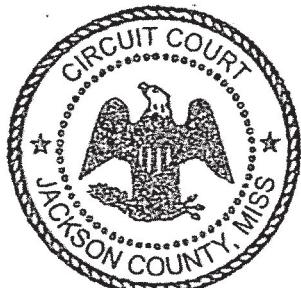
You are required to mail or hand-deliver a copy of a written response to the Complaint to JIM DAVIS, the attorney for the Plaintiff, whose post office address is POST OFFICE BOX 1839, GULFPORT, MS 39502, and whose street address is 1904 24th AVENUE, GULFPORT, MS 39501. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgement by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 22 day of March, 2021.


Clerk of Jackson County, Mississippi

JIM DAVIS
1904 24TH AVENUE
POST OFFICE BOX 1839
GULFPORT, MS 39502
228-864-1588
MSB. NO. 5830



Case: 30CI1:21-cv-00040-DH Document #: 5 Filed: 03/31/2021 Page 1 of 2

PROOF OF SERVICE - SUMMONS

(Process Server)

CLIENT: Jeremy Rush

(Use separate proof of service for each person served)

Wal-Mart Supercenter Store #1006

Name of Person or Entity Served

I, the undersigned process server, served the Summons upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

PERSONAL SERVICE. I personally delivered copies to Lea Beech Team Lead on the 29 day of March, 2021, where I found said person in JACKSON County, Mississippi.

RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within Harrison County, Mississippi. I served the Summons and complaint on the _____ day of _____, 2021, at the usual place of abode of said person by leaving a true copy of the Summons and complaint with _____ who is the _____ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the Summons and complaint, and thereafter on the _____ day of _____, 2021, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual delivery to the person served.)

UNABLE TO SERVE.

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$ _____

Process server must list below: (Please print or type)

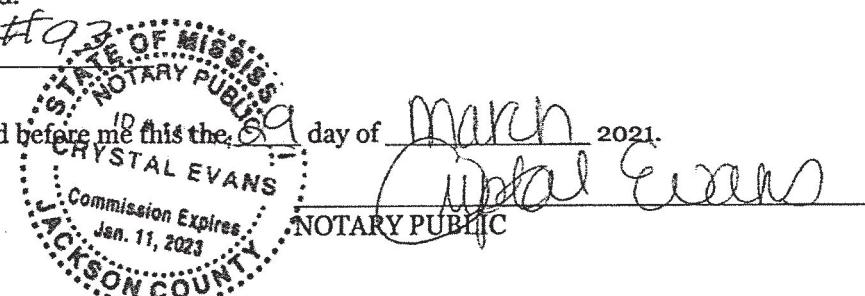
Name Ray Morris
 Address 3104 magnolia st
 P.O. ms
 Telephone No. 228 769 3000

STATE OF MISSISSIPPI
 COUNTY OF JACKSON

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Ray Morris who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

Ray Morris #93
 Process Server (Signature)

Sworn to and subscribed before me this the 10 day of March 2021.



(SEAL)

COPY

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

JEREMY RUSH

PLAINTIFF

VERSUS

CAUSE NO.:

21-40(3)

WAL-MART STORES, INC.

DEFENDANT

SUMMONS

RECEIVED

THE STATE OF MISSISSIPPI

TO: WAL-MART SUPERCENTER STORE #1006
 ATTN: MANAGER
 4253 DENNY AVENUE
 PASCAGOULA, MS 39581

MAR 29 2021

 MIKE EZELL, SHERIFF
 BY *Cyrus Evans*

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

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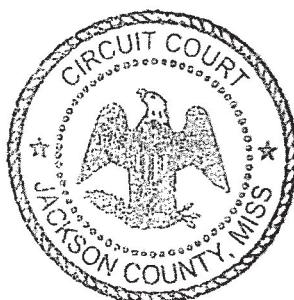
You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 22 day of March, 2021.

Manuel

Clerk of Jackson County, Mississippi

JIM DAVIS
 1904 24TH AVENUE
 POST OFFICE BOX 1839
 GULFPORT, MS 39502
 228-864-1588
 MSB. NO. 5830



COPY

R59

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

JEREMY RUSH

PLAINTIFF

VERSUS

CAUSE NO.:

21-40(3)

WAL-MART STORES, INC.

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: **WAL-MART SUPERCENTER STORE #1006** *% C.T. Corp. System*
ATTN: MANAGER
4253 DENNY AVENUE
PASCAGOULA, MS 39581 *645 Lakeland E. Dr. Ste. 101*
Flowood, MS 39232

NOTICE TO DEFENDANT

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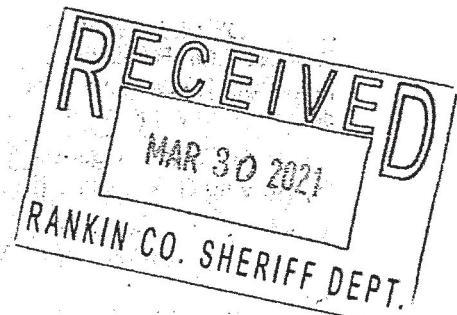
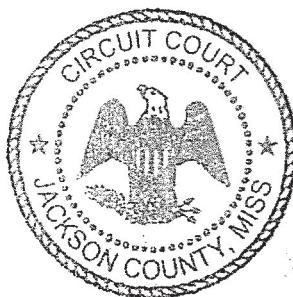
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You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 22 day of March, 2021.

MAN DAVIS
Clerk of Jackson County, Mississippi

JIM DAVIS
1904 24th AVENUE
POST OFFICE BOX 1839
GULFPORT, MS 39502
228-864-1588
MSB. NO. 5830



STATE OF MISSISSIPPI
COUNTY OF RANKIN

I have this day executed the within writ by personally
delivering true copies of the within writ

Walmart Super Center Store #1006 by serving
By Serving C. T. Corp. Agent
This the 30 day of March, 2021
BRYAN BAILEY, SHERIFF
BY Bill Phillips D.S.

Matt Thibodeaux